

REMARKS

The Office Action dated July 7, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-49 are currently pending in the application, of which claims 1, 12, 17, 19, and 47-49 are independent. Claims 1-46 have been amended, and claims 47-49 have been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-49 are respectfully submitted for consideration.

Claims 1-16 and 21-46 were allowed. Applicants thank the Examiner for this indication of allowance. Applicants respectfully submit that the amendments to the claims do not adversely affect the patentability of the claims, and therefore, Applicants respectfully submit that claims 1-16 and 21-46 should still be allowed.

Claims 17-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0151304 of Hogan ("Hogan"). Applicants respectfully traverse this rejection, because Hogan is not proper prior art to the present application.

Hogan is a publication of an application filed the same day as the present application. Although Hogan claims earlier priority to a provisional application, Applicants respectfully submit that the provisional application upon which Hogan relies for priority does not contain the material upon which the Office Action relied. Specifically, Figures 11 A-B and their description are clearly not present in U.S. Patent

Application No. 60/26065 to which Hogan claims priority, and Figures 12 A-B and their description are also not present. Accordingly, Applicants respectfully submit that the earliest effective date for Hogan as used by the Examiner is August 20, 2001, the same date as the filing date of the present application.

More specifically, the MPEP indicates that, under the USPTO's interpretation of 35 U.S.C. 102(e) the relied-upon disclosure is what is used to determine whether a previous domestic application should be accorded an earlier date than its filing date. As MPEP 2136.03 explains, "Portions of the patent application which were canceled are not part of the patent or application publication and thus cannot be relied on in a 35 U.S.C. 102(e) rejection over the issued patent or application publication." *See also, Ex parte Stalego*, 154 USPQ 52 (Bd. App. 1966). Likewise, subject matter that is disclosed in a parent application, but not included in the child continuation-in-part (CIP) cannot be relied on in a 35 U.S.C. 102(e) rejection over the issued or published CIP. *In re Lund*, 376 F.2d 982, 153 USPQ 625 (CCPA 1967). By the same rationale, if the earlier applications did not disclose the subject matter, a later application cannot be used as a reference under 35 U.S.C. 102(e) as of that earlier date.

Furthermore, in order to anticipate, the reference application must have been filed before the filing date of the present application. Hogan was filed on the same day as the present application: August 20, 2001. Accordingly, Applicants respectfully submit that Hogan has been improperly cited as prior art against the present application. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 17-20 were also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0203714 of Van Lieshout et al. (“Van Lieshout”). Applicants respectfully traverse this rejection.

Claim 17, upon which claims 18 depends, is directed to a network element including a receiver unit configured to receive a relocation-specific information. The network element also includes an establishment unit configured to establish, in response to the receipt of the relocation-specific information, a link to a drift network element specified by the relocation-specific information. The network element further includes an initiation unit configured to initiate a downlink bi-casting procedure to the network element and to a serving network element to be subjected to relocation, or a downlink transport forwarding procedure from the serving network element to the network element. The network element is configured to handle radio resource control in a radio access network.

Claim 19, upon which claim 20 depends, is directed to a network element including an addition unit configured to add an identification information to a relocation-specific information, the identification information configured to identify a drift network element supporting the network element in serving a user equipment. The network element also includes a transmission unit configured to transmit the relocation-specific information to a target network element to which radio resource control of the user equipment is to be relocated. The network element is configured to handle radio resource control in a radio access network.

Applicants respectfully submit that Van Lieshout fails to disclose or suggest all of the elements of any of the presently pending claims.

Van Lieshout generally relates to reducing signaling in RNSAP protocol upon cell change in a cellular telecommunications network. At paragraph [0028], Van Lieshout explains that its aim is to provide a technique for decreasing lur signaling when a cell change occurs in a drift radio network controller (DRNC) subsystem (DRNS).

Thus, Van Lieshout deals with the problem of increased lur signaling generated by so-called Common Transport Channel Resource Initialization Procedures between a serving network element (SRNC) and a DRNC, as explained at paragraphs [0025] to [0028] of Van Lieshout. Van Lieshout describes solving this problem by providing an optional (rather than mandatory) initiation of the Common Transport Channel Resource Initialization Procedure, as explained at paragraph [0059].

In general in Van Lieshout, when a user equipment (UE) moves from one cell to another cell in the coverage area of the DRNC, the SNRC needs to be provided with information about the new applicable length restrictions, and a number of credits. This means that the SRNC has to obtain new credits before it can start transmission in the new cell. The credits applicable for the new cell are supplied to the SRNC in the Common Transport Resource Initialization Procedure.

Van Lieshout discloses modifying the conventional procedure, such that the DRNC signals to the SRNC whether the DRNC requires initiation of the Common Transport Channel Initialization Procedure when a UE registers in a new cell controlled

by the DRNC, as explained at paragraph [0058] of Van Lieshout. The SRNC can still optionally initiate the Common Transport Channel Resource Initialization Procedure.

Claim 17 recites, in part, “an establishment unit configured to establish, in response to the receipt of said relocation-specific information, a link to a drift network element specified by said relocation-specific information,” and “an initiation unit configured to initiate a downlink bi-casting procedure to said network element and to a serving network element to be subjected to relocation, or a downlink transport forwarding procedure from said serving network element to said network element.” Applicants respectfully submit that Van Lieshout fails to disclose or suggest at least these features of the present invention.

The Office Action took the position that these features are disclosed generally at Figures 1-3 and their descriptions. Applicants respectfully disagree, and respectfully submit that the Office Action should have pointed out the basis for the rejection with greater particularity. Applicants refer specifically to the requirement of 37 CFR 1.104(c)(2), which dictates that the Office Action point out the “particular part” of the reference that is relied upon, when the reference shows or describes inventions other than that claimed in the application under examination.

Figures 1-3 and their description do not disclose or suggest, “an establishment unit configured to establish, in response to the receipt of said relocation-specific information, a link to a drift network element specified by said relocation-specific information,” and “an initiation unit configured to initiate a downlink bi-casting procedure to said network element and to a serving network element to be subjected to relocation, or a downlink

transport forwarding procedure from said serving network element to said network element” as recited by claim 17.

For example, Van Lieshout (both in the cited passage and elsewhere) fails to disclose or suggest that “relocation specific information” is received by a network element handling radio resource control (such as, for example, an SRNC) and wherein the relocation specific information specifies a drift network element. The indication that a UE seeks to register in a new cell, described in paragraph [0046] of Van Lieshout, is not received by the SRNC but by the DNRC. It can be seen, therefore, that the indication described at paragraph [0046] of Van Lieshout cannot correspond to the claimed “relocation specific information” that specifies “a link to a drift network element” and which is received by a “network element” “configured to handle radio resource control in a radio access network,” as recited by claim 17. Accordingly, it is respectfully requested that the rejection of claim 17 be withdrawn.

Additionally, Applicants respectfully submit that Van Lieshout also makes no mention either of the initiation of “a downlink bi-casting procedure to said network element and to a serving network element to be subjected to relocation” or “a downlink transport forwarding procedure from said serving network element to said network element” as recited by claim 17. The Office Action cited the same passage of Van Lieshout for the entirety of claim 17. However, the cited passage, and Van Lieshout in general, is silent as to these additional features of claim 17. Accordingly, it is respectfully submitted that, for these additional reasons, the rejection of claim 17 should be withdrawn.

Claim 19 recites, in part, “an addition unit configured to add an identification information to a relocation-specific information, said identification information configured to identify a drift network element supporting said network element in serving a user equipment” and “a transmission unit configured to transmit said relocation-specific information to a target network element to which radio resource control of said user equipment is to be relocated.” Applicants respectfully submit that these features are neither disclosed nor suggested by Van Lieshout.

The Office Action took the position that the same passage of Van Lieshout (Figures 1-3 and the associated description thereof) also discloses all of the elements of claim 19. Applicants respectfully disagree.

For example, Van Lieshout (in the cited passage and elsewhere) does not disclose or suggest an “identification information” that identifies “a drift network element supporting said network element in serving a user equipment” is added to “a relocation-specific information” that is then transmitted “to a target network element to which radio resource control of the user equipment is to be relocated.”

Paragraphs [0024] and [0025] of Van Lieshout indicate that information may be transmitted from the DRNC to the SRNC to inform the SRNC about the cell change of the UE, but this information does not contain any identification of the DRNC, because it is transmitted by the DRNC. Additionally, Van Lieshout is totally silent about any target network element to which resource control of the UE is to be relocated from the SRNC.

Accordingly, it is respectfully submitted that Van Lieshout fails to disclose or suggest “an addition unit configured to add an identification information to a relocation-

specific information, said identification information configured to identify a drift network element supporting said network element in serving a user equipment” or “a transmission unit configured to transmit said relocation-specific information to a target network element to which radio resource control of said user equipment is to be relocated” as recited by claim 19. It is, therefore, respectfully requested that the rejection of claim 19 be withdrawn.

Claim 18 and 20 depend respectively from, and further limit, claims 17 and 19. It is, therefore, respectfully submitted that Van Lieshout fails to disclose or suggest all of the elements of claims 18 and 20, and it is respectfully requested that the rejection of claims 18 and 20 be withdrawn.

For the reasons explained above, it is respectfully submitted that each of claims 1-49 recites subject matter that is neither disclosed nor suggested in the prior art. It is, therefore, respectfully requested that all of claims 1-49 be allowed, and that this application be passed to issue.

If – for any reason – the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants’ undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in cursive script, reading "Peter Flanagan", written over a horizontal line.

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Enclosures: Additional Claim Fee Transmittal
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